IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7795 OF 2005

IN

CRIMINAL APPLICATION NO.2203 OF 2005

Suresh Basantlal Bagrodia ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Subhash Jha, Sr.Counsel with Mr.Ghanshyam Upadhyay and Mr.Gaurav Agarwal for the Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

Mr.M.B.Shinde, A.P.I., Khopoli Police Station is present.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 27, 2006.

P.C.

1. Heard.

2. Mr.Jha for the Applicant fairly accepts that now charge-sheet has been filed before the

lower Court and the Applicant has been named as one of the accused in the said charge-sheet. If it is so, all the arguments which are pressed into service on behalf of the Applicant that no case is made out against the Applicant, can be addressed before the Trial Court by filing regular bail application. Mr.Jha fairly accepts this position but prays that the Applicant be given some time to appear before the Judicial Magistrate, First Class, Khalapur.

3. Applicant to surrender before the concerned Court on 6th February 2006, and make application for regular bail, if so advised. Applicant shall give advance intimation to the Investigating Officer about the time, date and Court before whom the Applicant intends to surrender so that the Investigating Officer should get reasonable time to instruct the Public Prosecutor to oppose the proposed bail application.

4. The concerned Court shall decide the bail application on its own merits in accordance with law, uninfluenced by the observations made by the

lower Court or for that matter, in the order passed by this Court at the stage of anticipatory bail.

5. The Investigating Officer Mr.M.B.Shinde, A.P.I., Khopoli Police Station, District Raigad, who is personally present in Court, assures that he shall keep all the relevant records ready before the Judicial Magistrate, First Class on 6th February 2006, when the Applicant intends to surrender before that Court and apply for bail, so that the bail application can be proceeded on the same day, to be disposed of by the Magistrate immediately after hearing parties and perusing the record. That assurance is accepted.

6. It is made clear that if the Applicant fails to file the proposed application before the stated date, it will be open to the Investigating Officer to proceed against the Applicant, as may be permissible by law.

7. Application disposed of as not pressed on the above terms.

A.M.KHANWILKAR, J.